IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

opplicant:

Banerjee et. al.

Serial No.:

09/887,496

Conf. No.:

7707

Customer No.: 24961

Filed:

June 22, 2001

For:

FORMOTEROL/STEROID

BRONCHODILATING COMPOSITIONS AND METHODS OF USE THEREOF

Art Unit:

1617

Examiner:

Bahar, M.

CERTIFICATE OF MAILING BY "EXPRES

"Express Mail" Mailing Label Number EL 964455993 US

Date of Deposit: October 14, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated shows and addressee.

indicated above and addressed to:

Commissioner for Patents U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313

NOTICE OF APPEAL

Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action, dated May 20, 2003, finally rejecting claims 1-64, 69-83, 87-89, 93 and 99-121 in the above-referenced application.

The Commissioner is hereby authorized to charge any fee, including that submitted herewith if (X) the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully Submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

10/17/2003 AUDNDAF1 00000026 09887496

01 FC:1401

330.00 OP

Dale L. Rieger

Registration No. 43,045

Attorney Dkt. No. 18025-1014 Address all correspondence to: Stephanie Seidman, Esq. HELLER EHRMAN WHITE & McAULIFFE LLP 4350 La Jolla Village Drive, 7th Floor San Diego, California 92122

Telephone: 858-450-8400 Facsimile: 858-587-5360 e-mail: sseidman@hewm.com